HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.7387 of 1995

Date : 22-08-2006

Between :

G. Mallaiah

…Petitioner.

And

Government of Andhra Pradesh,
Rep.by its Principal Secretary,
Animal Husbandry and Fisheries Department,
Secretariat, Hyderabad and others.

…Respondents.

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O R D E R :

This writ petition is filed by the petitioner, who is claiming to be an unsuccessful tenderer for allotment of the Government land, which was notified for allotment on lease basis. The tenders were called for by the second respondent. Though the petitioner claims to be the highest bidder, the communication shows that the quotation given by the petitioner was treated to be less than the other applicants and, therefore, the Demand Draft submitted by the petitioner was returned by communication dated 7-8-1995.

The said claim is opposed by the second respondent by filing a counter affidavit. In the counter, it is stated that the offer given by the petitioner was only Rs.5,000/- per hectare per annum for the first 5 years, while one Sri B.V. Rama Rao has offered Rs.20,000/- per hectare per annum for the first 5 years. It is also stated in the counter that the State level Committee could not consider the offer of the petitioner as the highest offer for allotment of the land in question.

An additional counter has been filed stating that the Sri B.V. Rama Rao was the highest bidder for allotment of the brakish water land and even with reference to the said highest bidder also, as he has

sought for refund of the E.M.D., even that also was returned in the year 2002. Subsequently, it was proposed to allot the land along with some other extents to the Fishermen Cooperative Societies, technocrats and Progressive entrepreneurs, but only part of the land in Nellore District was handed over and the remaining land was not given on lease to any of the parties. It is also stated that subsequently, there were some directions given by the Hon'ble Supreme Court with reference to allowing of these lands to be used to shrimp culture or cultivation where the State Government has filed some applications and even in that view of the matter also, no further action has been taken.

In view of the fact that the petitioner was not the highest bidder, he cannot demand for allotment of the land, as he has no such right and it is not his case that the land in question was allotted to a person, who has given a lower bid than the petitioner. Further as the tenders were called for in the year 1995 and on that basis also, no relief could be granted to the petitioner at this length of time. Therefore, the petitioner is not entitled to any relief.

The writ petition is accordingly dismissed. No costs.

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S.ANANDA REDDY, J

22-08-2006.
Msr.

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(Msr)